

REMARKS

Claims 1, 5-6, 10, 11, 14, 15 and 18 have been cancelled. Claims 2-4, 7, 8 and 16 have been amended, without prejudice or disclaimer. New claims 21 and 22 have been added. No new matter has been introduced. Support for the amended claims and the new claims is found throughout the specification, claims, and drawings as originally filed. Fourteen (14) claims are pending and remain for consideration. Favorable reconsideration of the pending claims and further examination of the application is respectfully requested.

IN THE CLAIMS

35 U.S.C. § 102

Claims 14, 15 and 18 are rejected under 35 U.S.C. § 102, as anticipated by U.S. Patent No. 5,168,590, issued to O'Sullivan. These claims are hereby cancelled.

Claims 14 and 16-18 are rejected under 35 U.S.C. § 102, as anticipated by U.S. Patent No. 6,151,733, issued to Takashima. Claims 14 and 18 are hereby cancelled. The rejection of claims 16 and 17 is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

*Verdegaal Bros. v Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the applicant's claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990)

Claim 16, which has been rewritten in independent form, recites a method for carrying the pressure-distributing medium in a personal mobility vehicle cushion. The method comprises the steps of providing a cushion cover having *a pocket*; inserting a pressure-distributing medium in the pocket; and inserting a base in the cover so that the pressure-distributing medium is positioned above the base. Takashima fails to disclose *a pocket*. Instead, Takashima discloses a bag. Since Takashima fails to

disclose each and every element as set forth in claim 16, claim 16 should be allowable as written.

Claim 17 depends from claim 16 and should be allowable for at least the same reason(s) as claim 16, as set forth above. In addition, claim 17 recites the step of providing *a pocket opening that faces interiorly of the cover*. Takashima fails to disclose *a pocket opening that faces interiorly of the cover*, as set forth in claim 17. For this additional reason, claim 17 should be allowable as written.

35 U.S.C. § 103

Claims 1-4 and 6-11 are rejected under 35 U.S.C. § 103, as being unpatentable over U.S. Patent No. 5,592,707, issued to Dinsmoor et al. in view of O'Sullivan. Claims 1, 6, 10 and 11 are hereby cancelled. The rejection of claim 4 is respectfully traversed.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 4, which has been rewritten in independent form, recites a seat cushion for a personal mobility vehicle comprising a base including a posterior seat well for receiving bony prominences of a wheelchair occupant; a pressure-distributing medium; and a cover covering the base and the pressure-distributing medium. The cover comprises a pocket for receiving the pressure-distributing medium, wherein *the pocket is positioned at a rear of the cover substantially over the seat well*.

None of the cited references, individually or in combination, teaches or suggests *a seat cushion having a cover with a pocket that is positioned at the rear of the cover substantially over a posterior seat well* of a base. Dinsmoore discloses a base with a seat well and a cover but the cover does not have a pocket. O'Sullivan teaches a cover with a pocket but does not teach that the cover has a *rear* or *that the pocket is at the rear of the cover*. Further, O'Sullivan fails to teach a seat well and thus does not teach *a pocket that is positioned substantially over a seat well*. Takashima teaches a cover but does not teach *a pocket*, as set forth above. Moreover,

Takashima does not teach that the cover has a *rear* or a *pocket at the rear of the cover*. Further, Takashima fails to teach a seat well and thus does not teach a *pocket that is positioned substantially over a seat well*. Since the cited references fail to teach or suggest all the claim limitations, claim 4 should be allowable as written.

#### New Claims

New claim 21 recites a seat cushion for a personal mobility vehicle comprising a base, a pressure-distributing medium, and a cover covering the base and the pressure-distributing medium. The cover comprises top and bottom fabric panels joined together with an opening provided therebetween *at a rear end thereof* and a pocket for receiving the pressure-distributing medium. The pocket is formed from a piece of fabric secured adjacent an underside of the top fabric panel so that an opening is presented *along a front end of the pocket*. None of the cited references teaches or suggests having an opening provided *at a rear end thereof* and a pocket having an opening presented *along a front end of the pocket*. For at least this reason, claim 21 should be allowable as presented.

Claims 2, 3, 7 and 22 depend from claim 21 and should be allowable for at least the same reason(s) that claim 21 is allowable.

#### Allowable Subject Matter

Applicants acknowledge that claims 12, 13, 19 and 20 have been allowed.

#### Request for Telephone Interview

As a final matter, if the Examiner has any suggestions concerning different claim phraseology that, in the opinion of the Examiner, more accurately defines the present invention, prior to issuance of another Office Action, Applicants' attorney requests the courtesy of a telephone interview at the Examiner's earliest convenience to discuss the application. Applicants' attorney may be contacted at (419) 255-5900.

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In view of the amendments and above remarks, it is believed that the application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.